



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 23, 2008

BY FACSIMILE

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
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DATE FILED: 7-23-08

Re: United States v. Din Celaj, 07 Cr. 837 (VM)

Dear Judge Marrero:

The Government respectfully submits this letter in response to defense counsel's July 16, 2008 request for a pretrial conference in the above-captioned matter. In that correspondence, counsel for defendant Din Celaj requested a conference to address various complaints raised by Celaj while he is housed in the Metropolitan Correctional Center's ("MCC") Special Housing Unit ("SHU").

I have been informed by personnel at the MCC that Celaj was placed in the SHU on or about June 28, 2008, after Celaj assaulted another inmate by pouring boiling hot water on the inmate and causing second- and third-degree burns to the inmate's face and body. The burns were so severe that the inmate spent nearly a month in the hospital recuperating; he was released only yesterday.

I then spoke with Rena Desai, Supervisory Staff Attorney at the MCC, and discussed with her Celaj's claims of mistreatment while in the SHU. With regard to Celaj's first claim that he is not getting enough food in the SHU, Ms. Desai informed me that all inmates at MCC, whether in general population or the SHU, receive the same three meals a day. Additionally, Celaj can purchase various food items from the MCC commissary if he is still hungry.

As to Celaj's second claim, that he is being abused by MCC staff members, I am informed that, to date, neither Celaj nor his

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counsel has filed any complaints regarding the alleged abused by MCC staff - which is the procedure established by the MCC to respond to any such allegations. Without more information, neither the MCC nor the Government can adequately investigate this complaint. Accordingly, the Government respectfully requests, on behalf of the MCC, that Celaj or his counsel specify the ill-treatment he has suffered, so the MCC, and the Government, if necessary, can undertake an internal inquiry, and then fully advise the Court of the results of that inquiry and/or any steps taken in response to Celaj's complaints.

Finally, with regard to Celaj's complaint that he is not permitted to make telephone calls to his attorney, Ms. Desai informs me that MCC policy limits telephone calls by prisoners in the SHU because of prison staffing limitations. According to Ms. Desai, giving SHU inmates a legal call requires a staff member, who has to tend to the needs of about 100 other inmates, to physically wait near the inmate's cell for the duration of the phone call. Therefore, MCC policy permits telephone calls to attorneys only when other means of communication are inadequate (i.e., the attorney is unable to visit his or her client for some reason). To that end, Celaj's attorney has round-the-clock access to his client for attorney-client meetings. Indeed, Ms. Desai informed me that if Mr. Seidler is unable to visit during the MCC's normal 8AM-8PM visiting hours, he can request, at least 24 hours in advance, a visit outside these hours and, staffing permitting, he can come outside the normal visiting hours. Additionally, according to Ms. Desai, Celaj has unlimited correspondence privileges with his attorney.

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The Government hopes this information is useful to the Court and to Mr. Seidler in addressing Celaj's complaints. Should the Court wish Ms. Desai to be present for Friday's conference, the Government will certainly request her appearance.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

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cc: B. Alan Seidler, Esq.

<i>The Government is directed to produce defendant Den Celaj at the conference scheduled to review the complaints she set forth in her letter through counsel dated 7-16-08, as well as the Government's response thereto contained above</i>	
SO ORDERED:	
<i>7-23-08</i>	<i>[Signature]</i>
DATE	VICTOR MARRERO, U.S.D.J.